

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK DALE FONTROY, et al., : CIVIL ACTION  
Plaintiffs :  
v. :  
GOVERNOR MARK SCHWEIKER, et al., :  
Defendants : NO. 02-CV-2949

**ORDER**

AND NOW, this day of August, 2004, it is ORDERED that Defendants' Motion for Leave to take Plaintiffs' Depositions is GRANTED. Defendants' attorney is granted leave to take the depositions of the plaintiffs, listed below, at the correctional institution where they are confined:

Derrick Dale Fontroy, AY-7513  
James S. Pavlichko, DK-0199  
Theodore B. Savage, CB-2674  
Aaron Christopher Wheeler, BZ-2590.

BY THE COURT:

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TIMOTHY J. SAVAGE, J.

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK DALE FONTROY, et al., : CIVIL ACTION

Plaintiffs :

v. :

GOVERNOR MARK SCHWEIKER, et al., :

Defendants : NO. 02-CV-2949

**DEFENDANTS' MOTION FOR LEAVE  
TO TAKE PLAINTIFFS' DEPOSITIONS**

Defendants hereby move the Court pursuant to Fed.R.Civ.P. 30(a)(2) for leave to take the depositions of each of the plaintiffs, and assert in support of this motion:

1. Plaintiffs are all inmates confined at the State Correctional Institution at Graterford.
2. Defendants have determined that they need to depose the plaintiffs to clarify and learn specifics about their claims.
3. Federal Rule of Civil Procedure 30(a)(2) requires leave of court if the person to be examined is confined in prison.

WHEREFORE, defendants request that the Court grant them leave to take plaintiffs' depositions at the correctional institution where they are confined.

GERALD J. PAPPERT  
Attorney General of Pennsylvania

By: s/ John O. J. Shellenberger

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John O. J. Shellenberger  
Chief Deputy Attorney General  
Attorney I.D. No. 09714  
Attorney for Defendants

Office of Attorney General  
21 S. 12<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Philadelphia, PA 19107-3603  
Phone: (215) 560-2940  
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**CERTIFICATE OF SERVICE**

I, John O. J. Shellenberger, hereby certify that Defendants' Motion for Leave to take Plaintiffs' Depositions has been filed electronically and is available for viewing and downloading from the Court's Electronic Case Filing System. I further certify that a true and correct copy of the Defendants' Motion for Leave to take Plaintiffs' Depositions was e-mailed on August 17, 2004 to:

Teri B. Himebaugh, Esquire  
220 Stallion Lane  
Schwenksville PA 19473  
[thimebaughesq@earthlink.net](mailto:thimebaughesq@earthlink.net)

s/ John O. J. Shellenberger

John O. J. Shellenberger  
Chief Deputy Attorney General  
Attorney I.D. No. 09714

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